

REMARKS

As a result of this amendment, claims 1-28, 33-42, 59-84, 87-90, 93, 94, 99-104, 106-108, 111-113, 120, 121, and 126-179 are now pending in this application.

Interview Summary

Applicant acknowledges a telephonic interview between its patent counsel Eduardo Drake and Ex. Rimmel on June 14, 2007. Claim 126 was discussed relative the Piacente reference. The Examiner suggested that language connoting the contingency of the first user-selectable means on the content of the first data window would distinguish from the cited Piacente reference. However, no agreement as to specific claim language or allowance was reached.

Response to §102 Rejections

Claims 126-134, 136-147, 167-172, and 175 were rejected under 35 U.S.C. § 102(a) for anticipation by “Computer Assisted Legal Research *UnPlugged*: The User-Friendly Guide to LEXIS-NEXIS and WESTLAW” by Adam J. Piacente (copyright 1995-1997), hereafter referred to as Piacente.

In response, applicant submits respectfully that claim 126 has been amended to more readily distinguish from Piacente. Specifically, claim 126 now recites “a first control interface adjacent the data window, the first control interface having first user-selectable means for indicating before user selection whether the first legal document includes at least one portion having compromised legal authority and for invoking after user selection display of a second interface screen.” (Emphasis added.)

In contrast, Piacente merely shows a tool bar with a Shep button that by its appearance alone indicates nothing regarding the document being displayed. Indeed, all that the Shep button indicates is that a Shep function can be invoked by selection of the button. Thus, in Piacente user selection of the Shep button is a prerequisite to obtaining any information about a given legal document.

Claims 137, 143, 147, 158, 162, and 167 have also been amended to better distinguish from Piacente. Original support for these amendments is found at least in Figures 2A and 2B and supporting description at page 13, line 15 – page 15, line 4. No new matter has been added.

Claim 137 now recites “first user-selection means for indicating without user selection whether the first legal document includes at least one portion having compromised legal authority and for causing the data window to display one or more citations to other legal documents that reference the first legal document.” (Emphasis added.)

Claim 143 now recites “at least one indicator for indicating how other legal documents have treated legal reasoning contained within the first legal document, wherein the one indicator is configured to display concurrently with the one or more portions of the first legal document.” (Emphasis added.)

Claim 147 now recites “means for indicating, without user action, how other legal documents have treated legal reasoning contained within the first legal document.” (Emphasis added.)

Claim 158 now recites “at least one user-selectable color-coded indicator configured: to display concurrently with the portion of the first legal opinion; to visually indicate by its appearance an authoritative status of the first legal opinion; and to respond to a user selection of the indicator by displaying additional information related to the authoritative status of the first legal opinion.”

Claim 162 recites “a user-selectable color-coded status indicator for concurrent display with the portion of the first citation, with the status indicator defined to display in a red, yellow, or blue color based on authoritative status of the first legal opinion and defined to respond to a user selection by displaying further information related to the first legal opinion.”

And, claim 167 recites “the user-selectable icon having an associated display color for indicating by its appearance a status of the first legal opinion as legal precedent.”

Applicant submits respectfully that all these claims and their dependents readily distinguish from Piacente and therefore requests respectfully that the Examiner reconsider and withdraw the §102 rejections.

Response to §103 Rejections

Claims 158-166, 173-174 and 176 were rejected under 35 U.S.C. §103(a) as being unpatentable over Piacente in view of Official Notice. In view of the amended claims, applicant submits respectfully that these §103 rejections as well as the Official Notice appear moot. Accordingly, applicant requests respectfully that these rejections be reconsidered and withdrawn.

New Claims 177-179

New claims 177-179 require, among other things, “a user-selectable color-coded status indicator for concurrent display with the portion of the first citation, the indicator having an appearance contingent on content of the first legal opinion and defined to respond to a user selection by displaying further information related to the first legal opinion.” None of the references of record, Piacente included, appear to meet this requirement. Thus, applicant respectfully requests consideration and allowance of these claims.

Reservation Of Rights

In the interest of clarity and brevity, applicant may not have addressed every assertion made in the Office Action. Applicant’s silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner’s personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

In view of the amended claims, applicant respectfully requests reconsideration of the application and withdrawal of all rejections. Additionally, applicant invites the Examiner to call its patent counsel Eduardo Drake at (612) 349-9593 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9593

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By 

Eduardo E. Drake
Reg. No. 40,594

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18th day of January 2008.

Jonathan Ferguson

Name



Signature